IN THE HIGH COURT OF JUDICATURE OF BOMBAY

CIVIL APPELLATE JURISDICTION

APPEAL FROM ORDER NO.109 OF 2006
WITH
CIVIL APPLICATION NO.125 OF 2006

Devji Shamji Patel & Anr. ..Appellants.

V/s.

Paras Associates & Ors. ..Respondents.

Mr.G.S.Bhat for appellants.

Mr.V.A.Thorat with Mr.Joshi for Respondents.

CORAM: A.M.KHANWILKAR,J

DATE : FEBRUARY 14, 2006.

P.C. :

1. Heard counsel for the parties.

2. As there are several documents which will have to be carefully considered before passing final order and some of the documents does indicate that plaintiffs may be justified in claiming right, no fault can be found with the ad-interim order passed by the trial Court directing the parties to maintain status quo in respect of the suit property till the next date of hearing of the Notice of Motion. The trial Court has made it clear in the impugned Judgment that all relevant questions including maintainability of the suit will be considered. The

Notice of Motion has now been made returnable on 18th February, 2006.

3. Taking overall view of the matter, I see no basis to interfere with the ad-interim order as passed by the trial Court, which is impugned in this appeal. The appropriate course however, to my mind, to bring quietus to all the controversies involved in this proceeding is that, the trial Court can be directed to finally dispose of Notice of Motion as expeditiously as possible preferably by end of May, 2006. This direction is being given on the assurance given by the counsel for the parties appearing before this court that pleadings of the respective parties will be completed expeditiously, in any case by end of February, 2006.

4. The trial Court may ensure that the parties have completed the pleadings in terms of this order as per the assurance given before this court through their counsel and pass necessary directions so that the Notice of Motion can be disposed of by end of May, 2006.

5. It is once again made clear that all questions in the Notice of Motion or any other

proceedings pending between the parties are left open to be decided on its own merit in accordance with the law, uninfluenced by the observations made in the impugned order or for that matter in this order.

6. Appeal as well as civil application disposed of accordingly.